

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 4, 15, 45, 50, 55, 59, 63, and 72 are amended. Claims 77 and 78 are canceled without prejudice. Claims 1-6, 10, 13-21, 23, 24, 26, 27, 29, 45, 47-57, 59-61, 63-65, 68, 69, 71-76, and 79-88 are pending in this application.

35 U.S.C. § 102

Claims 83-85 stand rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent No. 5,671,412 to Christiano (hereinafter "Christiano"). Applicant respectfully submits that claims 83-85 are not anticipated by Christiano.

With respect to claim 83, claim 83 recites:

A computer-readable medium, having computer readable instructions for:

requesting a software license from a license server;
receiving an authenticity challenge from the license server;

computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed; and

receiving, upon authentication by the license server and granting of a software license, the software license from the license server and storing information corresponding to the software license in a memory.

Applicant respectfully submits that Christiano does not disclose computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 83.

In the March 25 Office Action, it appears that a client ID of Christiano is being relied on as teaching the client image of claim 83 (see, March 25 Office Action at p. 3). Applicant respectfully disagrees with this characterization of Christiano. Christiano discusses that a computer system would be able to check out a license only if a license were available on the license server which matched that computer system's node, address, serial number, user name, or other identifier (see, col. 6, line 64 – col. 7, line 1). Applicant respectfully submits that none of a node, address, serial number, or user name is a client image. Furthermore, Applicant respectfully submits that the mere reference to "other identifier" does not teach a client image. There is no discussion or even mention in Christiano of a client image. As such, Applicant respectfully submits that Christiano cannot disclose the client image as recited in claim 83, much less computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 83.

For at least these reasons, Applicant respectfully submits that claim 83 is allowable over Christiano.

Given that claims 84 and 85 depend from claim 83, Applicant respectfully submits that claims 84 and 85 are likewise allowable over Christiano for at least the reasons discussed above with respect to claim 83.

Accordingly, Applicant respectfully requests that the §102 rejections be withdrawn.

35 U.S.C. § 103

Claims 1-6, 10, 13-14, 45, 47-54, 59, 68-69, 71, and 72-75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,745,879 to Wyman (hereinafter “Wyman”) in view of Christiano. Applicant respectfully submits that claims 1-6, 10, 13-14, 45, 47-54, 59, 68-69, 71, and 72-75 are not obvious over Wyman in view of Christiano.

With respect to claim 1, amended claim 1 recites:

A computer-implemented method comprising:
creating a license pack at a license generator, the license pack containing a set of one or more individual software licenses;
signing the license pack with a digital signature of the license generator;
associating an ID of the license pack with a license server, the ID uniquely identifying the license pack;
maintaining the association at the license generator;
issuing the license pack to the license server;
verifying, at the license server, the license generator’s digital signature on the license pack; and
distributing the software licenses contained in the license pack from the license server to corresponding clients.

Applicant respectfully submits that Wyman in view of Christiano does not disclose or suggest associating an ID of the license pack with a license server, the ID uniquely identifying the license pack and maintaining the association at the license generator as recited in amended claim 1.

Christiano discusses a package license description that includes a package name field (see, col. 8, lines 57-61). The package name field stores the package name, which is the identifier of the package (see, col. 9, lines 1-2). However, nowhere in Christiano is there any mention of the package name uniquely identifying the package of Christiano. Applicant

respectfully submits that the mere mention of a package name for a package does not disclose or suggest an ID uniquely identifying a license pack as recited in amended claim 1.

Wyman is not cited as curing, and Applicant respectfully submits that Wyman does not cure, these deficiencies of Christiano.

Furthermore, Applicant respectfully submits that there is no disclosure or suggestion in Wyman or Christiano of maintaining, at a license generator, an association of such an ID with a license server as recited in amended claim 1. There is no discussion or mention in either Wyman or Christiano of maintaining, at the license generator, an association between a particular license pack (using the ID that uniquely identifies the license pack) and a license server as recited in amended claim 1. Additionally, there is no discussion or mention in either Wyman or Christiano of why a license generator would want to keep a record of which particular license pack was issued to which particular license server. Absent such discussions, Applicant respectfully submits that Wyman in view of Christiano cannot disclose or suggest the associating and maintaining of amended claim 1.

For at least these reasons, Applicant respectfully submits that claim 1 is allowable over Wyman in view of Christiano.

Given that claims 2-6 and 10 depend from claim 1, Applicant respectfully submits that claims 2-6 and 10 are likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 1.

With respect to claim 13, claim 13 recites:

A computer-implemented method for distributing software licenses to clients so that the clients may legally execute underlying software to which the software licenses pertain, the computer-implemented method comprising electronically issuing the software licenses as digital certificates that are distributed in one-to-one correlation with individual clients and traced to an issuing authority, and issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client.

Applicant respectfully submits that Wyman in view of Christiano does not disclose or suggest issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client as recited in claim 13.

Applicant respectfully submits that there is no discussion or mention of a client executable image in Wyman or Christiano, much less any discussion or mention of issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client as recited in claim 13. It appears from the March 25 Office Action that “client identification information” of Christiano is being relied on as teaching the client executable image of claim 13 (see, March 25 Office Action at p. 8). Christiano discusses an identification of a computer system which is sending a license request (see, col. 10, lines 33-36). Christiano also discusses a license server logging a user name, host name, or terminal name (see, col. 18, lines 53-61).

However, nowhere in these discussions of Christiano is there any mention of a client executable image as recited in claim 13. Applicant respectfully submits that the mere reference to an identification of a computer system does not disclose or suggest a client executable image. A simple host name or terminal name is different from a client executable image. Without some discussion or mention of a client executable image, Applicant respectfully submits that Christiano cannot disclose or suggest the client executable image of claim 13.

Wyman is not cited as teaching, and Applicant respectfully submits that Wyman does not teach, the client executable image of claim 13. As such, Applicant respectfully submits that Wyman in view of Christiano cannot disclose or suggest issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client as recited in claim 13.

For at least these reasons, Applicant respectfully submits that claim 13 is allowable over Wyman in view of Christiano.

Given that claim 14 depends from claim 13, Applicant respectfully submits that claim 14 is likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 13.

With respect to claim 45, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest the license generator is further to assign a license pack ID to the license pack and keep an association of the license pack ID with the license server, the license pack ID uniquely identifying

the license pack as recited in claim 45. For at least these reasons, Applicant respectfully submits that claim 45 is allowable over Wyman in view of Christiano.

Given that claims 47-54 depend from claim 45, Applicant respectfully submits that claims 47-54 are likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 45.

With respect to claim 59, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest a code segment to assign a license pack ID to the license pack, the license pack ID uniquely identifying the license pack, and a code segment to associate the license pack ID with the particular license server as recited in claim 59. For at least these reasons, Applicant respectfully submits that claim 59 is allowable over Wyman in view of Christiano.

With respect to claim 68, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a code segment, responsive to a request for a software license from a client, to determine, based on a client executable image received from the client, whether the client is authentic and can receive a software license as recited in claim 68. For at least these reasons, Applicant respectfully submits that claim 68 is allowable over Wyman in view of Christiano.

With respect to claim 69, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a challenge handler to handle an authenticity challenge from the license server, the challenge handler computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 69. For at least these reasons, Applicant respectfully submits that claim 69 is allowable over Wyman in view of Christiano.

With respect to claim 71, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a code segment to compute a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 71. For at least these reasons, Applicant respectfully submits that claim 71 is allowable over Wyman in view of Christiano.

With respect to claim 72, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest a license pack table to record information pertaining to one or more license packs, the license pack table being indexed by license pack IDs that uniquely identify corresponding individual license packs, each license pack containing one or more software licenses as recited in claim 72. For at least these reasons, Applicant respectfully submits that claim 72 is allowable over Wyman in view of Christiano.

Given that claims 73-75 depend from claim 72, Applicant respectfully submits that claims 73-75 are likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 72.

Claims 15-21, 23-24, 26-27, 29, 55-57, 60-61, 63-65, and 77-78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wyman in view of Christiano and in further view of U.S. Patent No. 5,138,712 to Corbin (hereinafter “Corbin”). Claims 77 and 78 have been canceled without prejudice, thereby rendering the rejection of claims 77 and 78 moot. Applicant respectfully submits that claims 15-21, 23-24, 26-27, 29, 55-57, 60-61, and 63-65 are not obvious over Wyman in view of Christiano and in further view of Corbin.

With respect to claim 15, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest assigning a license pack ID to the license pack, the license pack ID uniquely identifying the license pack, and associating the license pack ID with the particular license server as recited in claim 15. Corbin is not cited as curing, and Applicant respectfully submits that Corbin does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect to claim 1. For at least these reasons, Applicant respectfully submits that claim 15 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 16-20 depend from claim 15, Applicant respectfully submits that claims 16-20 are likewise allowable over Wyman

in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 15.

With respect to claim 21, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest maintaining a set of client images, receiving a client software ID from the particular client, and comparing the client software ID to the client images to evaluate whether the client is authentic as recited in claim 21. Corbin is not cited as curing, and Applicant respectfully submits that Corbin does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 21 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 23, 24, 26, 27, and 29 depend from claim 21, Applicant respectfully submits that claims 23, 24, 26, 27, and 29 are likewise allowable over Wyman in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 21.

With respect to claim 55, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest the license producer assigning a license pack ID to the license pack, associating the license pack ID with the license server, and digitally signing the license pack, the license pack ID uniquely identifying the license pack as recited in claim 55. Corbin is not cited as curing, and Applicant respectfully submits that Corbin does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect

to claim 1. For at least these reasons, Applicant respectfully submits that claim 55 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 56 and 57 depend from claim 55, Applicant respectfully submits that claims 56 and 57 are likewise allowable over Wyman in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 55.

With respect to claim 60, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a client authenticating module to determine, based on a client image received from the client, whether the client is authentic and can receive a software license as recited in claim 60. Corbin is not cited as curing, and Applicant respectfully submits that Corbin does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 60 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 61 and 63-65 depend from claim 60, Applicant respectfully submits that claims 61 and 63-65 are likewise allowable over Wyman in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 60.

Claims 79-82 and 86-88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano in view of U.S. Patent No. 6,049,612 to Fielder et al. (hereinafter “Fielder”). Applicant respectfully submits that claims 79-82 and 86-88 are not obvious over Christiano in view of Fielder.

With respect to claim 79, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Christiano does not disclose or suggest a challenge handler to handle an authenticity challenge from the license server, the challenge handler computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge contains a random number, and the challenge handler computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value as recited in claim 79. Fielder is not cited as curing, and Applicant respectfully submits that Fielder does not cure, the deficiencies of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 79 is allowable over Christiano in view of Fielder.

Given that claims 80-82 depend from claim 79, Applicant respectfully submits that claims 80-82 are likewise allowable over Christiano in view of Fielder for at least the reasons discussed above with respect to claim 79.

With respect to claim 86, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Christiano does not disclose or suggest means for handling an authenticity challenge from the license server, the means for handling computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge

contains a random number, and the means for handling computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value as recited in claim 86. Fielder is not cited as curing, and Applicant respectfully submits that Fielder does not cure, the deficiencies of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 86 is allowable over Christiano in view of Fielder.

Given that claims 87 and 88 depend from claim 86, Applicant respectfully submits that claims 87 and 88 are likewise allowable over Christiano in view of Fielder for at least the reasons discussed above with respect to claim 86.

Accordingly, Applicant respectfully requests that the §103 rejections be withdrawn.

Conclusion

Claims 1-6, 10, 13-21, 23, 24, 26, 27, 29, 45, 47-57, 59-61, 63-65, 68, 69, 71-76, and 79-88 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

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Respectfully Submitted,

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